

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AGRON HASBAJRAMI,

Petitioner,

- versus -

UNITED STATES OF AMERICA,

Respondent.

ORDER

13-CV-6852

JOHN GLEESON, United States District Judge:

On December 31, 2013, I received a letter from Agron Hasbajrami making two requests. First, he asked whether I would intercede to ensure that he has access to certain discovery material from his criminal case. Second, he asked for access to grand jury transcripts.

As to the first request, I have communicated with the Assistant United States Attorney assigned to this case, Seth DuCharme, who has reviewed the material and spoken to officials at FCI Fairton, where Hasbajrami is currently being held. He assures me that the facility is working to give Hasbajrami safe and secure access to the materials. I hereby order AUSA DuCharme to report back to me in writing on or before January 23, 2013 on the status of Hasbajrami's access.

The second request is denied. Hasbajrami failed to meet the high bar for access to grand jury materials. *See United States v. Torres*, 901 F.2d 205, 233 (2d Cir. 1990) ("Grand jury proceedings carry a presumption of regularity. A review of grand jury minutes is rarely permitted without specific factual allegations of government misconduct.") (internal citations and quotation marks omitted), *overruled on other grounds as recognized by United States v. Marcus*, 628 F.3d 36 (2d Cir. 2010)). Moreover, any alleged defect in the grand jury

proceedings would be obviated by his guilty plea in the underlying criminal case. *See United States v. Hansel*, 70 F.3d 6, 8 (2d Cir. 1995) (“[A]ny error in the grand jury proceedings must be considered harmless in light of [the defendant’s] guilty plea.”).

So ordered.

John Gleeson, U.S.D.J.

Dated: January 9, 2014
Brooklyn, New York